



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Letter
J. Byer
12/1/03

In re Application of:

Charles J. DAVIDSON *et al.*

Application No.: 09/663,111

Filed: September 15, 2000

For: CATHETER WITH SIDE SHEATH

Confirmation No.: 3759

Group Art Unit: 3738

Examiner: P. B. Prebilic

SUMMARY OF SUBSTANCE OF INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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TECHNOLOGY CENTER R3700

Sir:

This is in response to the Interview Summary mailed from the United States Patent and Trademark Office on October 14, 2003. Below please find Applicants' statement of the substance of the telephone interview that took place on October 14, 2003 between Examiner Paul B. Prebilic and Kellie L. Carden.

Examiner Prebilic indicated the Oath and Declaration filed by Applicants on February 28, 2003, referencing all prior applications, was not found in the application file. The interview participants discussed whether filing an updated Oath or Declaration mentioning the prior applications would overcome the objection to the Declaration made by the Examiner in the Final Office Action dated April 21, 2003. The Examiner verified that filing of such a Declaration would in fact overcome the objection. In response, Applicants submitted, as an attachment to the RCE filed October 20, 2003, a verified copy of the "Declaration and Power of Attorney for

Patent Application" originally filed with the Patent and Trademark Office on February 28, 2003. Also attached was a copy of the February 28, 2003 date stamped post card acknowledging receipt of the Declaration by the Patent and Trademark Office. In addition, Applicants briefly discussed claim 50, but the Examiner declined to discuss the merits of the claim. Therefore, no agreement was reached in regards to claim 50.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this Application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-2228. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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Date: Nov. 14, 2003